

A regular meeting of the Town Board of the Town of Moreau was held on January 9, 2018 in the Town of Moreau Municipal Building, 351 Reynolds Road, Moreau, New York.

Supervisor Kusnierz called the meeting to order at 7:00 p.m.

The Town Clerk called the roll.

Town Board Members Present

John Hogan	Councilmember
Alan VanTassel	Councilmember
Gina LeClair	Councilmember
Kyle Noonan	Councilmember
Theodore Kusnierz, Jr.	Supervisor

Town Board Members Absent

None

Also present: Leeann McCabe, Town Clerk; Karla Buettner, Attorney for the Town; Jesse Fish, Water Superintendent; Paul Joseph, Highway Superintendent; Jill Bennett, Deputy Town Clerk; Sandy Mahoney, Recreation Program Director; Kathleen Moore, Post Star Reporter; Reed Antis, Planning Board member; Town Residents: Virginia Livsey, Bruce Flayer, Ed Petrush, Sam Wahnon, Terry Clark; Village Resident: Charlie Granger

The Supervisor led the Pledge of Allegiance and then welcomed everyone to the meeting.

APPROVAL OF MINUTES

The minutes from December 28, 2017 (2 sets) were prepared and presented to the Town Board prior to the meeting, for their review, comment, correction and approval.

A motion was made by Councilmember LeClair and seconded by Councilmember VanTassel to approve the minutes from December 28, 2017 (2 sets) as prepared.

Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

SET FUTURE MEETINGS AND WORKSHOPS

No meetings were scheduled.

RESOLUTIONS FOR RE-APPOINTMENTS

A motion was made by Councilmember LeClair and seconded by Councilmember VanTassel to re-appoint Mike Shaver as a member of the Town of Moreau Planning Board for another 7 year term, which will end December 31, 2024.

Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

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Supervisor Kusnierz stated that he would abstain from voting on the re-appointment of Ron Zimmerman as he has a family relationship with him.

A motion was made by Councilmember LeClair and seconded by Councilmember Noonan to re-appoint Ronald Zimmerman as a member of the Town of Moreau Planning Board for another 7 year term, which will end December 31, 2024 and, to re-appoint as Chairman of the Planning Board.

Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Abstain

A motion was made by Councilmember LeClair and seconded by Councilmember VanTassel to re-appoint Kevin Elms as a member of the Town of Moreau Zoning Board of Appeals for another 5 year term, which will end December 31, 2022.

Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

TOWN CLERK

- Authorization for Online Water Billing Collection

A motion was made by Councilmember LeClair and seconded by Councilmember VanTassel authorizing the Supervisor to engage into an agreement with Business Automation Services for Online Water Billing Collection at a cost of \$600.00 per year for annual maintenance, support and service.

Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

LEGAL SERVICES

Councilmember LeClair stated that she appreciated the fact that Bartlett, Pontiff, Stewart and Rhodes is still wanting to work with the Town.

A motion was made by Councilmember LeClair and seconded by Councilmember Noonan authorizing the Supervisor to sign the agreement with Bartlett, Pontiff, Stewart and Rhodes for legal services for the 2018 calendar year.

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Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

LABERGE PROPOSALS

- Town Hall Fire Suppression/Sprinkler System
- Repairs to the new and old highway garage roofs

The Supervisor gave a brief synopsis of the proposals from Laberge Group. They estimated a cost of removal and replacement of the new highway garage roof of \$35 per square foot. A construction budget based on approximately 15,000 square feet of roof would be about \$525,000.00 and, removal and replacement of the old highway garage roof to be estimated at \$30 per square foot. A construction budget based on approximately 11,000 square feet of roof would be about \$330,000. It was mentioned that although not recommended, the existing roof of the old highway garage could be repaired. A \$62,000 repair proposal was recently received by the Highway Department, which included a 20 year warranty. Laberge commented, that if the Town pursues the repair approach, and if damaged insulation or other defects remain under the repaired roof, the roof warranty will be void and the Town will be required to install a replacement roof similar to the currently recommended rehabilitation approach.

Supervisor Kusnierz referred both costs to the Building and Grounds Committee members to review in greater detail and to meet with the engineer to come up with other options. The Supervisor wants to look at every conceivable option before moving forward.

Councilmember Noonan stated that it was odd for Laberge to give a price of \$62,000 to repair the old roof and not recommend it. Councilmember VanTassel stated that the proposal came from another firm.

Councilmember Hogan asked, for clarity, if the insulation under the roof isn't up to code, they won't warranty the roof. Supervisor Kusnierz stated that he was correct.

Councilmember VanTassel agreed, that with the additional costs for heating, ventilation and engineering costs, they should look at all options available.

Councilmember LeClair suggested a workshop and Councilmember VanTassel suggested they have a workshop after recommendations have been made.

Supervisor Kusnierz gave a brief synopsis of the proposal from Laberge Group for the repair of the ongoing problem with the fire sprinkler system. They proposed to complete the work described for a lump sum fee of \$42,500 plus reimbursable expenses, broken down as follows: Phase I – Design: \$29,600 and Phase II – Construction: \$12,900. The fee for the Design uses MH Professional Engineering, PLLC as the Professional Mechanical Engineer for this project. They were the designer of the original fire suppression system and were proposed to be the best suited for the assignment. Laberge Group reported that the Town could utilize the engineer that completed the post construction review of the system, Jensen Hughes Engineering, PC, however, since Jensen Hughes' fee was \$14,900 more expensive than MH's, the proposed total fee would need to be increased accordingly. The Supervisor commented that this project won't be for new construction, it would be for repair of the existing system.

Councilman VanTassel stated that this project is a little different from the Highway Garage roofs in that the Town has an opportunity to file a claim and be reimbursed. The other projects would be a Town expense. Attorney Buettner stated that the Town never authorized litigation with regard to the failed sprinkler system and commented that the statute of limitations will end in March. She stated that Crisafulli has been on notice for 3 years. She stated that she would put something together for the Town

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Board tomorrow, so that they can advise her how they would like to move forward. She did state that the Town doesn't have to wait for litigation to take place in order for the repairs to get done. She stated that the Town needs to get them done.

Supervisor Kusnierz stated that he didn't think the Board was prepared to move on this tonight. He asked that Counsel get all the information she has on the subject to the newly elected Councilmembers.

TOWN HALL

- Heating of Court bathrooms & Judges offices

The Supervisor stated, that it was recently brought to his attention, there has been no heat in the Court bathrooms or the Justices' offices since the construction of the building. He stated that he felt, they need to do whatever it takes to get this corrected, especially with the time of year. He was also informed that there is no ventilation in the bathrooms. He stated that this wasn't budgeted for in this year's budget, so he requested that the Buildings and Grounds Committee members, look at the situation and get ideas of how best to correct the situation. He stated that they might be able to get RFP's and have someone come in to see if they can modify the construction in the bathrooms and offices. The Town Clerk commented that she didn't believe that any of the bathrooms in the building have ventilation. Supervisor Kusnierz commented that it could be a Part B to the problem.

TOWN WIDE 5-YEAR MASTER RECREATION PLAN

The Supervisor stated that the Town is very fortunate to have the land in the Harry J. Betar Recreation Park, the additional 59 acres purchased adjacent to the Park and acreage they've purchased along the river. He stated that the Town has enormous potential for its recreational facilities. He stated that he felt everyone on the Board is committed to the recreational offerings for the residents in the Town and the best way to move forward is with an orchestrated effort with a 5 year Master Plan. He stated that he would like to have the Recreation Committee inventory the land that the Town has, catalog it for the Board and give their ideas as how best to move forward. He stated that the public would have a role in this down the road but for now the Committee should present their findings to the Board and then a workshop can be scheduled for discussion.

PRIVILEGE OF THE FLOOR

Councilman Kusnierz stated, that at the organizational meeting, resolution #45 was established to give a time limit of 3 minutes per person to speak during the privilege of the floor. He stated that upon recognition of the Supervisor or presiding officer of any Town Board meeting, those wishing to speak, must state their name and address for the record. The Supervisor invited comment from the public.

Sandy Mahoney stated that she would like to be involved with the 5 Year Master Recreation Plan. The Supervisor stated that all Recreation staff would be involved.

Reed Antis asked questions about the possible litigation of the New Highway Garage roof. Supervisor Kusnierz stated that he mustn't have been clear on what the comment period means. There was a brief discussion between the Supervisor and Mr. Antis over the public comment policy. Mr. Antis thought that there should be dialogue. The Supervisor stated that the privilege of the floor is for anything to be commented on. Mr. Antis continued to ask questions and the Supervisor repeated that those were questions and not comments. Mr. Antis stated to the Supervisor, that he clearly didn't want the public to ask any questions. The Supervisor replied that he could ask any questions that he wants to. Mr. Antis asked Councilmember LeClair if they were trying to get the garage roof fixed and then determine if they could pursue a reimbursement legally. Councilmember LeClair stated that she would speak with him tomorrow.

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Charles Granger, resident of the Village of South Falls, stated that his comment was, that he would like to see the Town Board have dialogue with the Village, so that what happened with the assessment of the mill, doesn't happen again.

SUPERVISOR'S ITEMS

The Supervisor reported receiving a voucher from the Town's Dog Control Officer, Dexter Baker, in the amount of \$35.00, for yearly membership to the National Animal Care and Control Association. The Supervisor stated, that it was reported to him, the Town of Thurman used to pay this fee. The Supervisor didn't know if he was still working for the Town of Thurman, but the Dog Control Officer was now asking for the Town of Moreau to pay the reimbursement of the charge. The Supervisor stated that the Association provides handling tips and areas where they're seeing issues with stray dogs. The Supervisor didn't have a problem with the Town paying this invoice.

A motion was made by Councilmember VanTassel and seconded by Councilmember LeClair authorizing reimbursement to the Town of Moreau Dog Control Officer, in the amount of \$35.00, for his annual membership to the National Animal Control Association.

Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

The Supervisor commented that the Dog Control Officer should only be answering dog calls and not calls for wildlife and cats. There was a mention of cat calls in his monthly report and Councilmember VanTassel stated that they should speak with him and advise that he shouldn't be making calls on cats.

Supervisor Kusnierz was asked by Ted Monsour how the Town wanted to handle the Martin Luther King holiday at the Transfer Station. Councilmember VanTassel stated that it was his belief that the Transfer Station and Recreation Park have always remained opened and was supportive of them remaining open to serve the public. Councilmember VanTassel stated that he was asked a similar question relating to the Recreation Park, that when there is a significant snowfall and no one is in the Park, should they close. He suggested they contact the Supervisor for his direction.

Supervisor Kusnierz wanted to thank the Highway Superintendent, Paul Joseph, for helping plow the Head Start parking lot, when the Town was short staffed. He stated that the Recreation Department is back on top of it.

Supervisor Kusnierz stated that he had a meeting with the Fire Company a few days ago regarding the \$100,000 grant that Senator Marchione had advocated for. He stated that when he first announced the opportunity, the Fire Company thought they might want the grant money to go toward a new truck but since then the Supervisor found that their heater over the common area can't be repaired, it needs to be replaced. He thought a new system was estimated to be around \$40,000. The Supervisor was asked by members of the Board of Directors of the Fire Company to contact Senator Marchione to see if she would be amenable to re-directing the money for the replacement of the heater and to do some parking lot drainage work, which would amount to about \$70,000. He stated that the \$100,000 would be utilized, just not for the offset of a new truck. The Supervisor stated that he had reached out to her and expects to hear back from her tomorrow. If she is ok with the request, the Fire Company can proceed with the application process.

Councilman VanTassel stated that he was happy to hear that the Supervisor had met with them. He also stated that this year will be different if they improve the communications. He thanked the Supervisor for his efforts. The Supervisor commented that they're all working for the common cause.

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The Supervisor received notification from NYMIR for some on-line educational courses that are available. He stated that he would have the information available in his office for any employees or Board members who would like to attend. Some of the classes he mentioned were for lifeguard, security, avoiding collision with animals. Councilman VanTassel asked if the courses are at no charge and the Supervisor replied that was correct. Councilman VanTassel asked that the information be distributed to the department heads.

The Supervisor was visited by Town resident, Keith Gilligan, regarding an issue with a piece of land locked property that he owns. He was asked to look into the matter, to which he said he would and then get back to him with an update. Supervisor Kusnierz asked Attorney Buettner to give a background on the subject. Attorney Buettner stated that there is an antiquated law on the books (Highway Law 300), which sets forth a procedure, whereby basically the Highway Superintendent acts as a judge in a jury trial between two land owners, with respect to crossing the property. She stated that the law is rarely used and that Mr. Gilligan had sent a letter of application to the Highway Superintendent years ago, asking him to start the process. She stated that they had reached out to a number of other attorneys to see if they had done this and asked how it worked. She stated again, that the Highway Superintendent would be the judge and there would be a jury. She stated that the Highway Superintendent has indicated, because he works with both parties, that there's an appearance of a conflict. He's advised Mr. Gilligan's attorney and hasn't heard back. She stated that she has some memos that she had done for the prior Board and will get them out again to the new Board.

Supervisor Kusnierz stated, that it was his understanding, this isn't a Town Board issue. Attorney Buettner concurred that it is not a Town Board issue. The Supervisor stated that it's a Highway Department issue and she replied that he was correct.

Paul Joseph, Highway Superintendent, stated that this all goes back to when Martin Auffredou was the attorney for the Town and Steve Barody was the Highway Superintendent. Mr. Joseph stated that he had come to the Town asking to use the pit entrance to his property. He stated that this has been ongoing for many years.

Supervisor Kusnierz stated that he needs authorization for his signature on an Amended Contract for 2015 Farmland/Open Space Preservation Grant. He read the following resolution aloud:

**TOWN BOARD
TOWN OF MOREAU
RESOLUTION: Authorizing Supervisor Signature on Amended Contract for 2015
Farmland/Open Space Preservation Grant**

WHEREAS, the Town of Moreau ("Town") was awarded a 2015 Farmland/Open Space Preserve grant from the County of Saratoga Farmland/Open Space Preservation Committee (the "Grant") in the amount of \$40,000 for the purchase of property from Excess Land, LLC to provide an opportunity for the construction of a connector trail to the Moreau State Park, upon the condition that the Town contribute no less than \$45,000 in Town funds towards an estimated purchase price of \$85,000; and

WHEREAS, after negotiations with Excess Land, LLC, the Town was able to purchase the property plus an additional parcel for a total purchase amount of \$31,608.82; and

WHEREAS, as a result of the reduction of the purchase price, the Grant has been reduced by Saratoga County to \$15,804.41, with the Town's contribution towards the purchase price reduced to \$15,804.41; and

WHEREAS, by Resolution 263-2017, the Saratoga County Board of Supervisors modified the funding details which requires the Town to execute an Amended Contract to receive payment of the Grant funds;
NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute an Amended Contract with the County of Saratoga, and such other documents as necessary for the disbursement of the 2015 Farmland/Open Space Preservation grant.

A motion was made by Councilmember Noonan and seconded by Councilmember LeClair authorizing the Supervisor to sign the amended contract as read in the above resolution.

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Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Councilmember Van Tassel	Aye
Supervisor Kusnierz	Aye

The Supervisor stated that he had received information from NYMIR regarding a workplace violence prevention program. The free seminar will be held on January 23, 2018 at the Corinth Fire House. He stated that he has more information for anyone interested.

Councilmember Noonan asked if there's mandatory training for workplace violence for Town employees. Supervisor Kusnierz stated that there is not. He also stated that when you come on as a new employee, you are required to sign a document, which outlines how to report it. He stated that the Town has a structured protocol in place. Councilmember Noonan stated that he's mandated to take 1 hour classes every year for many of these compliance issues.

Supervisor Kusnierz stated, for the benefit of the Recreation Committee, he pulled together the numbers the Town has available in the Recreation Capital Fund, so they know what they have access to utilize in the 5 Year Plan. He stated that the Recreation Capital Project Fund, right now has, \$72,848 and the Town-Wide Rec Capital Project Fund has \$191,753. He stated that the funds are derived from fees placed on developers.

COMMITTEE REPORTS

Councilmember VanTassel asked if someone from the Transfer Station will be checking on the 61 Hudson Street property. Supervisor Kusnierz stated "yes" on a weekly basis. Since the temperatures are really cold, they'll take a look around and make sure there are no issues with water. Councilmember VanTassel asked if that would also include them doing a walkthrough of the Annex building as well. Supervisor Kusnierz stated that he would have them check on that building as well.

Councilmember VanTassel asked about the issues with the Town truck in the Building Department. The Supervisor reported that he had spoken with Matt and he thought the battery needed to be replaced.

A motion was made by Councilmember VanTassel and seconded by Councilmember Hogan to adjourn to executive session at 7:54 p.m. to discuss the performance of an unnamed employee and to discuss the potential for litigation of a property within the Town. Paul Joseph and Jesse Fish were invited into the executive session.

Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

The Town Clerk did not sit in on the executive session.

A motion was made by Councilmember LeClair and seconded by Councilmember Hogan to return from executive session, with no action taken and to close the regular meeting at 8:35 p.m.

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Roll call vote resulted as follows:

Councilmember Hogan	Aye
Councilmember VanTassel	Aye
Councilmember LeClair	Aye
Councilmember Noonan	Aye
Supervisor Kusnierz	Aye

Meeting adjourned.

Respectfully submitted,

Leeann McCabe
Town Clerk

The above minutes are not intended to be a complete transcript, only a summary. To hear the full audio of the meeting, please visit the Town's website at: www.townofmoreau.org